

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

CARL RAGASA and KANANI RAGASA, ) CIVIL NO. 03-00540  
)  
Plaintiffs, ) **DECLARATION OF GERALD HURD**  
)  
vs. )  
)  
COUNTY OF KAUAI, KAUAI FIRE DEPARTMENT, DAVID SPROAT, ROBERT KADEN, SIDNEY KINI and ETHAN SAGE, )  
)  
Defendants. )  
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**DECLARATION OF GERALD HURD**

I, GERALD HURD, hereby declare as follows:

1. I have been a Water Safety Officer with Defendant COUNTY OF KAUAI ("COUNTY") since about 1999.
2. Plaintiff CARL RAGASA ("CARL") has been a Water Safety Officer with the COUNTY since about 1991. I have known CARL ever since I became a COUNTY Water Safety Officer.
3. In 2002, Defendant SIDNEY KINI ("KINI") was a Fireman Apparatus Operator with Defendant KAUAI FIRE DEPARTMENT ("KFD").

4. From 2000 to the present, Defendant ETHAN SAGE (hereinafter "SAGE") has been a Water Safety Officer with the COUNTY. I have known SAGE during all that time.

5. On Wednesday, March 20, 2002, KINI held a United States Lifesaving Association ("USLA") open water training class at the Hanalei Pier. I was one of those in attendance.

6. Later that day, KINI moved the USLA open water training class from the Hanalei Pier to Tower #1.

7. Most of the Water Safety Officers in KINI's class walked from Hanalei Pier to Tower 1. SAGE and I were among them.

8. As we were walking along the beach from the Hanalei Pier to Tower 1, CARL and another Water Safety Officer, Mark McKamey, were working at Tower 1. They were watching a woman in the rip current. She was not far from shore and not in danger.

9. As CARL and Mark McKamey were watching the woman, I saw and heard SAGE making derogatory comments about them in a loud voice. He said, "look at the senior guards. They don't know how to do their jobs!"

10. When CARL heard SAGE say "look at the senior guards. They don't know how to do their jobs,!" CARL said to SAGE "get the f\*\*\* out of here. Don't tell us how to do our jobs."

11. KINI's USLA open water lifesaving class finished up behind Tower 1 near the storeroom area. Nothing else out of the ordinary ever occurred.

12. At no time on March 20, 2002 did CARL ever raise his voice or say any threatening words toward KINI or SAGE in any way. All CARL ever said the whole time to SAGE was "get the f\*\*\* out of here. Don't tell us how to do our jobs."

13. On the morning of Friday, March 22, 2002, I was at the at the Hanelei Pavilion at about 8:00 a.m.

14. I saw CARL walking out of the men's bathroom tying his surf shorts. I joined him and we walked together to the Tower 1 storeroom.

15. As CARL and I approached the storeroom, SAGE walked to within a few feet of us.

16. As SAGE approached CARL and I, CARL said to SAGE, "Good morning, diaper boy."

17. SAGE responded to CARL by saying, "CARL, why the f\*\*\* do you have to be so negative all the time."

18. Right after SAGE said to CARL, "CARL, why the f\*\*\* do you have to be so negative all the time," CARL kept walking past SAGE and said nothing.

19. At that point, KINI approached the area where CARL and I were. We were the only ones there. Everyone else was too far away to hear the conversation. CARL said to KINI, "We told you Sid, don't bring him around here. Why did you bring him over here?

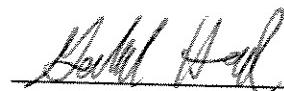
20. KINI did not respond to CARL and CARL immediately left the area for his morning run toward and down the beach without further discussion or incident with anyone.

21. At no time on March 22, 2002 did CARL ever

raise his voice, swear at, or say any threatening words toward KINI or SAGE in any way. I was with him the whole time.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Executed this 25<sup>th</sup> day of October, 2005 at Hanalei, Kauai, Hawaii.

  
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GERALD HURD

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DECLARATION OF GERALD HURD; Carl Ragasa and Kanani Ragasa v. County of Kauai, et. al, In the United States District Court for the District of Hawaii, Civil No. CV 03-00162 (BMK).

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